



Department of Justice

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(202) 514-2008
TDD (202) 514-1888

NATIONAL SECURITY ENTRY-EXIT REGISTRATION SYSTEM

Strengthening Our Entry-Exit Registration System To Protect Americans From Possible Terrorist Threats

Understanding the Problem:

**Congress Has Mandated an Entry-Exit Registration System,
Yet Current Regulations and Enforcement Do Not Adequately Track Entry and Exit,
Particularly of Individuals Who Pose Potential National Security Risks**

Deficiencies in the Immigration System Do Not Allow the Government to Ensure Those Holding Non-Immigrant Visas Are Acting in Accordance with Stated Plans. The events of September 11 highlighted weaknesses in the current immigration system, which does not provide for the collection of information on the activities and whereabouts of aliens holding non-immigrant visas. We do not know whether such aliens follow their stated plans while in the United States, where to find them or when they have overstayed their visas. We collect no fingerprint or other biometric data from the vast majority of aliens.

An Entry-Exit Registration System Already Exists Under Current Law:

- ✓ **Under Current Law It Is the Duty of All Aliens to Register and Be Fingerprinted But However, Regulations Have Often Waived This Legal Duty.** Under the Immigration and Nationality Act, it is the duty of any alien over 14 years old, who remains in the United States more than 30 days to be registered and fingerprinted (INA section 262). Under current law (INA section 263), the Attorney General can require the registration and fingerprinting of any class of aliens, other than those admitted for permanent residence. In most cases, the regulations have waived the fingerprinting requirements.
- ✓ **Current Regulations Have Limited Registration to Aliens from Iraq, Iran, Sudan and Libya.** Because of regulatory exemptions, rigorous registration and fingerprinting is currently required only for nationals of Iraq, Iran, Sudan, and Libya who are required to be fingerprinted and photographed at the port of entry, under 8 C.F.R. ' 264.1(f). The Attorney General has the authority to expand this list of countries through the publication of a Federal Register notice.

Taking Steps to Further Protect America: Proposed Registration Under New System

The New System Will Better Track Aliens Who Might Present the Highest Threat - the Initiative Will:

- ✓ Deploy a pilot entry-exit program as quickly as possible, focusing on aliens who present the highest risk of involvement in terrorist organizations.
- ✓ Disrupt the activities of terrorists residing in the United States under false pretenses.
- ✓ Notify the FBI and other law enforcement agencies when aliens purporting to visit the United States for legitimate reasons deviate from their stated plans.
- ✓ Notify the FBI and other law enforcement agencies when aliens overstay the terms of their non-immigrant visas.
- ✓ Match the fingerprints of high-risk aliens entering against the fingerprints of known or suspected terrorists at the port of entry.
- ✓ Obtain fingerprint and photograph data on aliens from high-risk countries for law enforcement use.
- ✓ Obtain current address, telephone, and email information on aliens from high-risk countries.
- ✓ Enforce the law requiring aliens to notify the Attorney General when they change address.

The New System Will Require Additional Registration for Individuals Who Potentially Pose National Security Risks. Individual visitors will be evaluated as to risk of involvement with terrorist activities, and visitors who fall into elevated categories of national security concern will be subject to additional registration requirements. The INS and the State Department will work together to identify these individuals at or prior to entry. The criteria that are used to identify such visitors will be continually updated to reflect our evolving intelligence on terrorist threats. This initiative will require fingerprinting, photographing, and registration requirements on the following:

- (1) All nationals of Iran, Iraq, Libya, Sudan and Syria
- (2) Certain nationals of other countries whom the State Department and the INS determine to be an elevated national security risk
- (3) Aliens identified by INS inspectors at point of entry upon specific criteria to be established by the Department of Justice.

Fingerprint Data to Identify Criminals, Wanted Aliens, or Terrorists Will Be Used at Port of Entry. Two-fingerprint scanning capabilities already exist at all ports of entry. Recently, the Department of Justice has developed an integrated database using two-fingerprint sets derived from approximately 100,000 aliens. The fingerprints of aliens in secondary inspection are currently being matched against the entire database to identify wanted felons in less than two minutes. The early results of this program are extremely promising: the INS is receiving an average of 67 Ahits® per week, and over 1,400 individuals have been apprehended from January through May, 2002.

Requires 30-day and Annual Registration with Local INS Offices. The INS will enforce the law

that requires aliens who potentially pose national security risks, who remain in the United States for 30 days or more, to appear in person at an INS field office and register. Aliens will be required to provide:

- (1) Proof of tenancy at stated U.S. address (e.g., rental contract, mortgage)
- (2) Proof of enrollment at educational institution (for student-visa holders)
- (3) Proof of employment (for work-visa holders)

These aliens must visit INS offices at the 30-day point and then every 12 months thereafter until the alien departs from the United States. The 12-month interval between each registration follows the model used in most European countries. Failure to register would result in the alien's name being turned over to law enforcement, and the alien would be subject to a \$1,000 fine, incarceration and possible removal from the country.

Requiring Registration of Foreign Visitors Who May Pose a National Security Concern to Provide Any Change in Address Within Ten Days. Aliens who are subject to this special registration will be told at the point of entry that they are required to provide any change of address within ten days. Up until now, this law has rarely been enforced. Aliens will be able to meet this requirement by mailing the required information to the INS.

Collection of Information from a Targeted Category of Aliens from Designated Countries Who Are Already in the U.S. The law requires aliens from designated countries to provide a current address to the INS and to furnish such additional information as the Attorney General may require.⁶ Exercising this provision on a one-time basis, the same information required of incoming aliens at the 30-day registration point may be required of certain aliens from designated countries who are already residing in the United States.

Exit Reporting. The aliens subject to this special registration will also be required to notify an INS agent of their departure from the United States at the exit port. Such exit records are necessary to help identify and apprehend those aliens who overstay their visas. An alien's failure to report his exit would render him ineligible to return the United States.

Putting Our Registration System in International Context: Europeans Already Have Registration Systems

European Countries Already Have Systems to Register Aliens. Our registration system will be similar to those systems already in place in most European countries. Some European countries maintain systems that require even closer tracking:

- **Aliens in France Must Register Within 7 Days.** An alien who stays for an extended period of time in France, for example, must register with the local prefecture of the national

police within one week of arriving in the country, every 12 months, and whenever he changes address. Our proposed initiative combines the European registration model with an entry-exit monitoring system.

- **Aliens in Great Britain Are Required to Register Within 7 Days.** Registration is required within 7 days and whenever an alien changes address, university or job, he must notify the local police station and provide passport, visa, proof of financial means, proof of enrollment in school or employment, and proof of a place to live.
- **Aliens in Germany Must Register and Carry Registration Papers on Their Person at All Times.** In Germany, an alien must register when he establishes residence and whenever he changes address. He must provide his passport and documentation of intended activities while in the country and carry registration papers on his person at all times.

Country	Registration required at time of entry?	Periodic registration?	Registration at other times?	Where registration occurs	What alien must bring to register	Identification card/papers required on person while in country?
Switzerland	YesCwithin 8 days.	YesCevery 12 months.	YesCwhenever alien changes address, university, or job.	Cantonal police station.	Passport, visa, address information, proof of enrollment or employment.	Not required.
United Kingdom	YesCwithin 7 days.	No.	YesCwhenever alien changes address, university, or job.	Local police station.	Passport, visa, proof of financial means, proof of enrollment or employment, proof of accommodation	Not required.
Germany	YesCwhen alien establishes residence.	No.	YesCwhenever alien changes address.	Local police station.	Passport, documentation of intended activities while in country.	YesCmust carry registration papers on person at all times.
Spain	YesCwithin 10 days to 6 months, depending on nationality.	YesCevery 12 months.	No.	Local division of national police.	Passport, address, proof of financial means, letter from university or contract from employer.	YesCstudent must carry student identification card; worker must carry work permit.

France	Yes C within 7 days.	Yes C every 12 months.	Yes C whenever alien changes address, school, or employer.	Local prefecture of national police	Passport, visa, birth certificate, letter from university or employer, photograph	Yes C alien must carry carte de sejour on person at all times.
Netherlands	Yes C within 3 days (to obtain residence permit).	Yes C every 12 months.	Yes C whenever alien changes address, school, or employer.	Local division of national police (aliens police div.)	Passport, birth certificate, apostille stamp on documents, photograph, proof of enrollment or employment, results of TB test, police report from home country.	Not required.

Understanding the Logistics: How the New System Will Work

If an Alien Arrives Who Potentially Could Pose a National Security Risk, He Is Immediately Fingerprinted and Photographed. An alien subject to special registration with a two-year work visa, for example, would be required to do the following: upon arrival at the INS port of entry in the United States, he would be directed to a secondary inspection station. There, he would immediately be fingerprinted (two-fingers only) and photographed.

Alien's Fingerprints Will Be Run Against the IAFIS Database of Known Criminals and a Database of Known Terrorists. His fingerprints would be run against the IAFIS database of known criminals and known terrorists, a database of known terrorists, and the INS IDENT database to determine if he had previously entered the country under a different name.

Alien Would Be Asked to Provide Information About His Plans in the U.S. While the computer check was taking place, he would be asked to provide detailed information about his plans in the United States and about his past history in his home country, as well as contact information.

The Process Would Be Quick and Require Follow-Up. The entire process would take 5-10 minutes. Within 30 days, he would have to report to an INS office and provide more detailed information consistent with his visa, including proof of residence (e.g., a rental contract) and proof of employment (e.g., a pay statement from his employer). Twelve months thereafter he would have to return to confirm the information.

An Alien Must Notify The INS:

- ✓ If he changed his address, he would be required to notify the INS by mail.

- ✓ If he left the country, he would have to report briefly to an INS station at the port of departure.

If An Alien Failed To Comply, His Name Would Be Added To A Wants And Warrants@ List. If an alien failed to register or overstayed his visa, the INS computer system would immediately alert the INS to the fact. His name and information would then be added to the National Crime Information Center (NCIC) A wants and warrants@ list. If local police happened to stop him because of a traffic violation, when they checked the NCIC list they would discover that he was wanted. The police would then be able to detain him, call an INS Quick Response Team, and transfer him to the custody of the INS. Depending upon the nature of his violation, he would at a minimum be removable, and possibly be subject to criminal prosecution.